(Private)

Milledgeville 10th Nov. 1846.

My Dear Sir,

Our Legislature has been in Session since the 4th instant, and on yesterday finished all their important elections. Colonel Troup succeeds our friend Dr. Bibb in the Senate. The Judges are all turned out except Benien; Walker is succeeded by Robt. R. Reid of Augusta; Gresham by Dooley; and Harris by Strong. And could an opponent to Benien have been found, he would have gone with the rest; for without opposition he barely got a majority 54 votes out of 117 being thrown away. Of the Military, Brig.r Gen.l V. Walker is promoted to the Command of the Division lately under Genl Twiggs dec.d by 10 Votes over N. Ware who opposed him; and Colonel Seth Thomas, who has just returned to the State in a very low State of health, prevailed over Genl Scott to the Division lately Commanded by Clarke who had removed.

I made some efforts to get a Suitable Candidate for the Government without success, & therefore am still where I was. After the most deliberate reflection, and Consultation with my particular

reasons I am induced to decline the appointment of Agent to the Creeks. This determination is the result of a full conviction, that, to perform the duty of that appointment faithfully, much more of my time must be spent in the Nation, than would be consistent with the happiness & welfare of my family, & to remove them there is altogether out of the question. And to neglect the duty attached to any appointment I might accept, and thereby bring censure as well upon myself, as those from whom I received it, I cannot. In addition to which, the circumstances I have already mentioned of the difficulty of suitably filling the Executive Chair at this moment, and with all, the probability of my being enabled, in my present station, to render more important service to the nation, in case of a rupture with Spain, than I possibly could as Agent, & in that event both appointments will be important, and the opposition of all those friends to whom I have mentioned the matter, all come in aid of the determination I have come to.

You will therefore permit me, under the most lively impressions of respect & gratitude to the President and yourself for this evidence of your confidence to return the Commission which I had the honor to receive. Believing it proper, that I should return it to the War office, and not knowing who has succeeded you in that department I have taken the liberty of enclosing it to you. You were kind

Ayer Coll Soc 20608198

enough to ask my opinion, who I thought would be a suitable person to fill that appointment, in case of my declining; and in casting round, I am induced to believe from my knowledge of the man, that General T. Smith will fit the Station better than any other I know. I have heard from several persons, that William Hawkins the late governor of N. Carolina had told them, he would not accept the appointment if offered to him. Those declarations were made some time since when passing through this place to the Agency. Whether he has since changed his mind I cannot say. I understand he is in very ill health.

I beg you to be assured my Dear Sir, and to assure the President, that no Service compatable with the welfare & happiness of my family, will be avoided on my part- personal & pecuniary considerations shall never operate in debarring my Country whenever I can be useful to my Country.

I am with Sincere friendship

respect & esteem

your very Obed Servt.

D. B. Mitchell

THE NEWBERRY LIBRARY CHICAGO

Bonville

Wm B. Crawford.

VAULT
Rm 525
504

Creek Agency 16th October 1817.

Dear Sir

I have been anxious to hear from the disease with which your son was afflicted when you last wrote me from Halifax Could have disappeared had terminated but have not heard one word. I hope he is now restored to good health. When that letter reached me I was in bed suffering from a violent attack of bilious fever Occasioned I have no doubt, by the heat and fatigue I undergoe at Fort Hawkins and subsequent anxiety and want of usual rest. I have now been spending a few weeks with my family at the Agency and we have all been much benefited by the Change.

I am much flattered and gratified by the Opinion you express of the part of my exertion with the Indians. you know it is not my disposition to do things by halves, and if I fail in fulfilling the expectations of Government it will not be for the want of Zeal in the performance of my duty. One of the greatest plagues I have yet met with is, the universal desire which appears to prevail in every one to Speculate upon the Indians, and the foremost in this Class are a set of men formerly of the army, and now engaged in trade of some kind or other, particularly those who claim to be Settlers to the troops at the different posts. under this pretended authority they engross, I may safely say, two thirds of the Indian trade. I Shall make an effort to Correct this abuse through Genral Gaines, as Soon as I can have a personal interview with him, but it will be attended with difficulty unless the Factory is better Supplied, and

individual speculation in that department put a stop to. I will mention one instance among many of the abuse of which I complain; and by that you can judge of the rest. A Colonel Rapelle late of the Army, and as I am informed engaged in Settling for the troops at Fort Montgomery & Conesca, called upon me not long since, and said he had Orders upon me from people on the Alabama for the amount of their proportion of the money appropriated to pay for their Corps. I stated to him, that I had laid it down as a rule from which I did not see any reason to depart, to pay the Claimants personally who were entitled to receive it, or through the heads of the Nation, and that I did not expect that my duty or instructions would allow me to pay him on the Authority he produced. He at the same time mentioned, rather in a boasting way, that he had made large advances to these persons; that he had let Tatum a half breed, have an elegant Gig at 600 dollars and so on, and that he expected the money with which he intended to proceed to New York to pay for goods for which he was indebted there. This kind of reasoning, as you may suppose, did not alter my determination, and he left me. The same day however he wrote me a Note, and Continued to repeat them to the Number three, in which he made many observations to which I did not condescend to reply. The only answer I made was — That I could not and would not by any act of mine countenance any individual interference with the Indians. That it was my duty to protect them and see that they had justice done them upon all occasions; and in all cases which came to my knowledge I should do so, and Consequently should not pay him what he demanded. His last Note insolently asserted, that he had the appropriation made in their favor; and that he had caused their claims to be presented to me by Judge Toulman, and

Ruggles / Ayer / roll 502 20160810 98

that he was entitled to the Money and so forth. By the Steward who brought me his Card Note, I sent a Verbal Answer — "that he should tell his Master, that his Card Note merited no Reply." The Gentleman went off in a high rage threatning all along the road as he went to have me immediately removed &c. The truth is he has purchased the Claims of those people for a song, and expected he had nothing more to do than to present their order and receive the Money. The bragging part of appearance, and the greedy acts of Speculation, were however for once mortified and disappointed. It will be my duty as well as inclination to endeavour to establish legal discipline in the Indian department, for I am confident if it ever prevailed it was entirely laid aside for the last ten years of Colonel Hawkins's agency.

I have a little project in Contemplation which I will mention and thank you for your Opinion. — As soon as I can restore harmony and internal peace, which has been greatly interrupted by their late civil war, and which I hope soon to accomplish by a due degree of firmness, accompanied with Conciliation and a few presents distributed to proper Objects, I propose to establish small premiums for promoting industry. Such as, 100 dollars worth of useful goods to the family (conducted by Women) who shall produce the greatest quantity of Corn from a given quantity of ground. and 50 dollars to the Next greatest quantity. Another prize for the greatest quantity of Sweet potatoes raised on a given quantity of Land &c. &c. &c. including the produce of the wheel and loom. By such means, and little personal Attentions on the part of the Agents, I am persuaded that their present habits can in a few years be greatly

changed for the better.

From every observation which I have been able to make for many years past, I am confident that the little progress that the Southern Indians have made towards Civilization has been owing, to the want of exertion or Capacity on the part of the Agents. Col: Hawkins was undoubtedly, in my opinion, a man of Considerable talents and zeal, but for several years before his death, he was incapable of much exertion, and besides he had formed a Connexion which appeared to have a great influence over him: and that influence was injurious to, and paralized his efforts. The war also has had a tendency to throw the Creeks back to the point where the Colonel found them.

When my intention to have gone out to the Alabama last September, both my own sickness and those of my family have intirely disappointed me; and at this time the Creeks and Cherokees have a meeting in the Cherokee Nation for the purpose of settling the boundary between them. I have sent my agent and Interpreter to attend them, and when he returns I shall go out, and then fix upon a day for holding a meeting to treat for the piece of land they have agreed to cede on the Oconalufee, for the use of Georgia. I believe it has been usual for the President to give a Special Commission or Authority for the purpose of holding a treaty; but when I wrote to the War Department in July, that I had obtained the Consent of the Indians, Mr Graham wrote me, that the absence of the President prevented his sending me a Special Commission. As the matter now stands, if such an

part. He has promised a detachment to have the appearance of a party of friendly Creek warriors, and I have prepared their minds for the enterprize, and shall, if my health continues good in all probability accompany them. I decidedly unite with you in opinion, that the Indian tribes ought to be so managed and trained as to form a sure & certain auxiliary force in the service of the United States in all cases of war with any European Nation, but especially the British. The policy of that Nation has always been [illegible] to the Indians for the purpose of [illegible] and hence their attachment to them, and the assistance they have rendered them in all their contests on this Continent. The whole expenditure of each agency is limited by a late Circular from the War department, not to exceed the sum of Twelve thousand dollars annually, and that to include the payment of Salaries, Rations, provisions to the Indians, presents and Contingencies of every description. It is true I can get along with that sum, and shall do so, but when the ordinary expenses of the Agency are paid, & the provision Company at the Contemplated treaty for instance, there will be nothing remaining for presents, to relieve the wants of many a poor woman & child, who before another Crop is reaped, will be in a starving condition, and many will actually perish for hunger if not relieved. The present condition

of the Creeks in Consequence of the destruction occasioned by the war, will require as much liberality, as was ever extended towards them. Many of them who are willing to work have neither Plough, hoe or axe, nor horse to work with, nor the means of procuring either: indeed it is the poorest Class who are the most willing to work, and ought to be most encouraged.

William Hawkins the Son of Col: Hawkins has been here for a short time past, and yesterday set out on his Return to North Carolina. I have had some conversation with him, and he appeared willing to give me all the information in his power, respecting the unsettled business of the Agency, but all he [illegible] Amounts to Nothing. I have no books or papers to guide me, and I must of necessity refer all those having claims against the Indian Department prior to my Acceptance, to them as the Representative of the late Agent. I wrote to Mr. Graham requesting a Copy of the Account as settled with the late Col: Hawkins, and he replied that the 5. Auditor had been requested to send me a Copy. will you have the goodness to enquire of the Auditor, as he is in your department, if he can in any short time furnish me with a Copy of the Account? it is the only document that I know if that can be of any use to me in the settlement of outstanding Claims. you

Authority be consulted Necessary to make the act valid, there is time enough Now to send it me before I can meet the Indians on that business. My mind is a little unsettled as to the Conditions upon which I ought to close the bargain with the Indians. The Number of Acres will probably not exceed half a Million, Neither is the quantity of good land Considerable yet it is of great importance to Georgia, as it stretches all along the Ockmulgee River for at least sixty Miles. If hopefully Consistent I would [illegible] to your Judgment [illegible] the Subject. you mollest you have expressed a willingness to receive my Communications, and I propose making them in the old fashioned and familiar way to which I have been accustomed, (I mean private Correspondence) and with that Candor and frankness which I know you admire, as well as I do, and if I ask any thing which it may be proper in you to avoid, you have only to say so, and I shall be as well content as if you had satisfied my enquiry; at the same time I beg you to Consider any facts which I may Communicate as a private Letter & communicated privately, and for the purpose of putting you in possession of matter privately, which however you may make use of publickly if Necessary, in giving your Opinion upon them, and if Necessary I will support them by an official Communication upon the subject.

In a short time I shall be able to give you some account of an expedition which Gen. Gaines has had in Contemplation against the Seminoles for two months past

can scarcely believe unless you saw it, the state of dilapidation in which I found the Agency. Not a house but some pole Cabins scarcely fit for negro houses; not a work shop nor a tool of any kind, and the stones, gudgeons & spouts sold from the mill, & very part of the machinery destroyed in removing the irons. I shall have to begin de novo.

Your letter of [illegible] and direction I can't you will expect the Census you have given me, but I promise to be more concise hereafter.

I am Dear Sir

with friendship & esteem

Your very ob. Serv.

D. McKee

Hon.ble

William H. Crawford

Secretary of the Treasury

Washington.

Savannah 11th February 1818.

D. T. Mitchell Esq.

Sir,

Altho' you do not state particularly in your letter of the 2d. inst. that the Africans detained by you had been brought within the Jurisdictional limits of the State of Georgia, yet I take it for granted that you are under the impression that such is the fact: The act of Congress to which you have referenced provides that in all cases the Negroes seized shall be delivered over to the State Authority, to be dealt with according to the provisions of the Laws of such State. Now if the Negroes in question were just brought into this State, the effect of the act of Congress would be in my opinion, to divest the original owners of any right or title which they may have had, and at once gave to the State a right to the possession of the Negroes. Until recently as you know, there was no act of this State in relation to property of this description which could be carried into effect. That part of the Act of the last Session which required the commanders of the National Vessels to deliver over the Negroes to the overseers of the Poor, & to make report

to the Governor, was certainly made in reference to the Laws of some of the Northern States and is entirely insufficient as it regards our State; for the overseers of the Poor would in no case receive them, inasmuch as no provision was made for their support, and the Act of Congress at it regards negroes seized by any other persons than the naval officers merely requires that they shall be delivered over to the State Authority to be dealt with according to the provisions of the State Laws. But no persons would receive them because they could do nothing with them. The act of Congress so far as it regards the property was therefore Nugatory in our State.

The last Legislature however made some provision on this subject, and the Governor is required to receive the property. My opinion therefore is, that the property in question having been brought into this State in violation of the act of Congress must be delivered over to the Governor, altho' before seizure it had been carried beyond the Jurisdictional limits of the State. How far Congress will be disposed to Acquiesce in the provisions of the State Law is another question, and one which merits their serious consideration; for in effect the very evil is brought upon the Country which Congress were desirous of averting. I am Sir very respectfully, your ob. Sev.

(Signed) Wm. Davies. Dist. Atty

Ruggles | Ayer | Coll Soc 20160831098

P.S. If the negroes in question were never brought within the jurisdictional limits of the State of Georgia, I do not conceive that the Governor according to the terms of the act of Congress or of the State Law can legally have any thing to do with them, but that they must remain entirely under the Control of the U States

=W. D.

The foregoing is a true Copy from the original now in my possession.

D. Mitchell

THE NEWBERRY LIBRARY CHICAGO

VAULT
Ruggles
506

Creek Agency 15th May 1818.

Dear Sir,

My mind was so much engaged upon the various falsehoods and abominable misrepresentations contained in the extract of Genl Jacksons letter, and in stating the difficulties which occured as to the proper Course for me to pursue, in exercising a sound discretion upon the subject of the Negroes, I had spun out my last letter to so great a length, before I was aware of it, that I omitted to notice some other parts of your last letter of really much more importance. I must however now add, that the information you have received from Mr. McIntosh of the delivery of the Negroes to the Agent of the Governor cannot be true; for the Governor and his Agent, both of whom I have seen within the last four or five days, have assured me, that Mr. McIntosh (the Collector) has refused to deliver them over to the State Authority, unless upon Condition of his being permitted to retain one fourth for his own use. And I understood at

the same time, that his letter to this effect was on the files of the Executive.

You ask me if the Governor is not inimical to me?— That he was not long since friendly to me I cannot doubt, and that his personal conduct and correspondence to, and with me, does not evince any change is true. he is well aware of the personal exertions I used to get him elected, and of the support I have given him since, and unless led astray by those now apparently in his confidence, he cannot entertain a sentiment inimical to me. it appears however, to be generally understood, that the Grantlands, Dr. Williamson and Isaboun Jones, are his confidential Counsellors, all or most of whom, are not only inimical to me, but to most of my friends, and in such hands you can very readily conceive, how he is eventually to wind up. They are perfectly capable of betraying him into measures which may ultimately ruin him, and then abandon him to his fate.

The publication of Gaines's letter certainly had an unfriendly aspect, but knowing the man, and his anxiety to please the people, by the publication of every thing which for the moment excites their feelings, I did not think much of that, and was it not for the other circumstances I have mentioned, and an intimation the other

Ruggles | Ayer | Coll Sec 20160810 98

day from our friend Bolling Hall, that the Governor was not only unfriendly to me, but to several others of his old friends, I should not have suspected him of the change. I shall not however be much disappointed, if I have to set him down in the list of the ungrateful and deceitful ones.

An occurrence has recently transpired here, which has excited a general feeling of indignation, and it is probable the Agency which the Governor has had in the transaction, will seriously affect his standing. A strong party of mounted men had been sent by the Governor from Georgia, into the Creek Nation, for the avowed purpose of destroying two small towns or villages on Flint River between Fort Early and Scott, the one called Hopaunica, and the other Telemuskey. The detachment however, from what motive does not yet appear, disregarded this order, and proceeded directly against the old Chehaw town, and killed ten of its inhabitants, and destroyed the whole town with all the provision they could not take away, and plundered it of every thing they could remove. Among the killed is the principal Chief called Howard, than whom there was not a better, a more friendly, or a more intelligent Indian in the Nation. All the warriors, or nearly all, were gone on with our Army, and were

THE NEWBERRY LIBRARY CHICAGO

to defeat that expectation, I shall sincerely regret.

I with you, dread the event of an election for two Senators by the next Legislature. of one there is no doubt, if the Gentleman will allow his Name to be used. I mean Mr. Forsyth. but if Col.d Troup resigns, I fear much for the event as to the other. The annual standing Candidate will no doubt offer again, and I think his perseverence will have a better Chance of being Crowned with Success than heretofore. it is understood that Mr. Elliott of Liberty County is also a Candidate, but I fear he is not strong enough, Altho I would prefer him much to the other, or to any one I know, who has been called a Federalist. Those who could be elected will not serve, and those who are not wished for, will be pushing themselves forward; and under the present State of things I really fear the event.

Governor Bibb has not yet returned to Georgia, and I am fearful I shall not have the pleasure of seeing him here, as I expect to proceed to Chatahoochie, and from thence to the Alabama next Month, to take the Evidence, and locate the Claims of the friendly Indians

my Son, to get an estimate as correctly as possible, of the loss they may have sustained.

It is with real concern that I advert to that part of your letter in which you intimate a possibility of your retiring from your present station, and from the Cabinate. I was in great hopes when I saw a bill in progress before Congress for an increase of Salary to the heads of departments, that it would have passed, and that a sufficiency for your support would at least have been allowed, but to my great regret I have learned, that it did not pass. if your contimplated retirement is likely to have any un-favorable effect upon the prospect of a certain event, to which your friends look forward with much hope and anxiety, I trust you will not suffer any temporary or supportable inconvenience to operate against you. your own Observation and experience will however enable you to decide with more propriety than your friends at a distance can. for me I can only say, that I have a sincere desire to see you in the situation allueded to, and that any step which would in the most remote degree operate

to the land reserved for them by the act of Congress.

I am,
Dear Sir;
with sincere friendship
your very obed Servt
D. McMitchell

The Hon:
William H. Crawford.
Secy of the Treasury.

VAULT
Rare
SAF

Mount Nebo 8th October 1818.

My Dear Sir,

I have already explained to you the Origin, as I presume, of the fabrication of Names of the Alabama Territory with respect to the taking of the Testimony in the Cases of Claimants under the Act of Congress, and I hope satisfactorily. I have also explained this matter to Dr Bibb, Col: Dunington and several other friends from whom I received letters on the subject; but is it not mortifying, that persons who have known me and had opportunities of knowing my Official Conduct for years, should believe me Capable of such folly as the appointment of Agents for such a purpose; a purpose which I am required personally to fulfil?— I cannot believe that any part of my official Conduct hitherto can justify this belief. If I live I shall go out again the moment I have paid off the Indians, the Nation

for which commences on the 9th Next Month.

I am afraid in our State politics we shall be in difficulty where none ought to exist. I understand that Mr. Forsyth and Mr. Elliott are both candidates to supply the place of Judge Tait, and if so, Clarke or Dooly will offer for the vacancy occasioned by the resignation of Col: Troup, and they are to be opposed by Col: Ware. This I consider a very bad arrangement for I have little or no doubt but Mr. Forsyth and Elliott can both be elected if they will agree between themselves, & change their plan, by one of them taking Troups vacancy. and there can be no doubt but either of them would be continued at the expiration of the constitutional period, if they desired it. Dooly is stronger than either of the other two, & if Clark finds that he cannot be elected himself, he will push Dooly against Ware. I have always been of opinion, & have frequently mentioned it to my friends, that Mr. Forsyth ought to come forward at the

Douglas / Ayer / Coll Serv 20160810 98

explanation of Judge Tait's time, and when Mr. Elliott
mentioned to me his intention, (which was Last Nov.)
I informed him that I
thought Mr. Forsyth ought to be brought forward if
possible. he then partly promised me, that he would
not offer if Mr. F. did. from these circumstances, &
others which might be mentioned, I think Mr. Elliott
ought to offer for Col: Troup's vacancy. If this arrange-
ment can be effected we can with more certainty
manage the Election of Governor. For this last
appointm^t I have not the least objection to either of
two Gentlemen in Augusta, because, I believe they
possess honor and integrity, and I was never yet
so illiberal as to believe, that a man was incapable
of serving the State faithfully, because, he did
not agree with me on some points of politics.
If however, the Standing Candidate should again
condescend so far to comply with the pressing
solicitations of his friends, as to put his Name
in Nomination, which I have no doubt he will,
then is a choice between the two Gentlemen I
have alluded to. The one can take more votes,

THE NEWBERRY LIBRARY CHICAGO

to prove that I ever had any interest or concern directly or indirectly, or ever aided, advised or Counselled any one who had, in the purchase and introduction of those Negroes; or that I had any Know= =ledge of their intended introduction until they were brought to the Agency. On the Contrary, I am able to prove that I had Not. but the Malice of these people has no bounds. The Cause of Clarke you know; and that of Others has been added by my Official Situation. There are always hanging about & belonging to the Army, Certain peculators, to whom my presence has been a great Eye Sore. I have on former occasions mentioned to you the general Relaxation in regard to the Affairs of the Agency, owing no doubt, to the low State of Col: Hawkins's health for the last year of his life, and the little Attention paid to them between that period and that

a Certificate which I gave to Gross when he and Bowen came forward and Bonded a parcel of the African Negroes. It is understood that they were furnished for publication by Clarke. what the Malignant wretch can expect by the publication of such stuff I cannot conjecture, for there is Nothing in either, which can with people of any liberality or understanding, have any bearing in regard to establishing the fact which he aims at. were it not, that I cannot spare the time, having much writing to do, in the present debilitated State of my health, I would Notice the Scoundrel, by a Short history of the means by which that affidavit was obtained, in which he would make a most conspicuous and disgraceful figure. the truth is, I defy him and every one else, to produce one tittle of Evidence, unless they resort to wilful Perjury,

of my Acquaintance. My efforts to restore order & protect the Indians in their just rights have occasioned the inveterate resentment of several illiberal and narrow minded persons, who believed they were privileged to do what they pleased the moment they set foot on Indian land, or had a button and bit of ribbon in their hat. I believe my difficulties however with these kind of people are nearly over. They now begin to know me; and knowing me, they will cease to be troublesome.

I am my Dear Sir,
with real regard & Esteem
Your very obed Servt.
D. Mitchell

The Honorable
W. H. Crawford
Secretary of the Treasury.

P.S. I have had a thought of visiting Washington on my return from the Alabama, and some friends to whom I have mentioned the subject have advised me to do so. There are many Circumstances which I might have an opportunity of explaining personally, which I cannot so well do by

Ruggles | Ayer | Coll Sec 70L 081098

I have but little doubt his appointment would not be acceptable. This is my candid & confidential opinion. I am now in the midst of hurry & bustle with my Estn Chatee's who are now here for the purposes of their annual Meeting.

In much haste

& with great esteem

Your very obed Sev.

D. H. Mitchell

The Hon Gle

W. H. Crawford.

THE NEWBERRY LIBRARY CHICAGO

Fort Hawkins 11th Nov. 1818.

Dear Sir,

The Election for Senators is over & Mr. Elliott and Mr. Forsyth are both elected. This is just as I wished it, and I find that my suggestion was acted upon & succeeded. I remained in Town for the three first days of the Session, and urged to my friends an independent course on their part, by electing whom they pleased, and that was for a member I asserted of the two Gentlemen, push the losing Candidate in the first instance, for the second. This I find was the course pursued altho I did not personally suggest it to the Gentleman who acted upon it. Dr. Williamson of Milledgeville and Gov. B. H. Nelson (that now is) are Candidates to fill Mr. Forsyths Vacancy in the house of R. Either of whom will be elected if any Gentleman of standing comes forward. The Election of Governor this time twelve Months is now

hope. The standing candidate has less chance than he has ever had before. He is now completely divided from his old friends who say they are done with him forever.

In the subject of Charltons appointt. I am really at a loss how to advise. He is undoubtedly a man of considerable legal talents, but it is equally true that he has no integrity. It has been intimated to me that he or Mr. Davies must fill the vacancy as no one else offers. Mr. Davies has in my mind an undoubted preference, but again, he is objectionable from his connexion with the Grantlands who are already too high, & who cannot bear their elevation with modesty or moderation. Integrity however ought to be preferred, and I do believe that Charltons want of it is so notorious in that part of the State where he resides, that

Newberry / Ayer / Coll Sec 76081098

I have but little doubt his appointment would not be acceptable. This is my candid & confidential opinion. I am now in the midst of hurry & bustle with my Ecclesiastical who are now here for the purposes of their annual Meeting.

In much haste

& with great esteem

Your very obed Servt.

D. McMitchell

The Hon Sec

W. B. Crawford.

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VAULT
Ruggles
506

Mount Nebo 22d Aug. 1820.

Dear Sir,

In some conversation which I had the other day with Major Crawford I was led to hope that you intended visiting this part of the State before you went to Lexington, but I now learn that if such was your intention, it is now changed, and you have gone to Greenbrier. it has also been mentioned that you intended visiting several of the Counties between the Ohio and Monongalia. This has caused so much uncertainty of the place where you are to be found upon any given day, that I am at some loss where or when I can see you. I think Major Crawford mentioned that it was certain you would visit Ohio County at or about the time of the setting of the Superior Court in Clarksburg. if this be your determination I should certainly meet you there, or expect you to come

or go by my House, where I shall hope to induce you to spend a few days.

I declined answering your last letter until I should have sent to the War department the Evidence in the Case of the Africans, because, I saw by the Contents of your letter that you were impatient, and under impressions which would be removed by a knowledge of facts. The papers have all been forwarded on the first of this Month, and I shall in a few days receive a reply, I presume. — when I sent on the Evidence I would have written you, but understood, that you expected about that time, to set out for Georgia. I need not state my anxiety to see you, you must be sensible of it. I have much to say, which cannot well be written without tiring your patience. Please to let me hear from you, & inform me whether I may expect to see you here, or at what other

Ruggles / Ayer / coll Soc 20160813 78

place. I am Dear Sir
with Esteem & friendship
Your very Obd Servt
D. Mitchell

For Hon:
W. H. Crawford.

NEWBERRY LIBRARY CHICAGO

Vault
Rawlins
508

Published Washington 1820

The Hon.
William H. Crawford
Lexington
Georgia.

Milledgeville 27th May 1823

Dear Sir,

Mr Sims the former Clerk of the Superior Court of Hancock County, appears to be under some difficulty in consequence of the recording business of his office, and the minutes, not being brought up, at the time he was succeeded in that office, by the present incumbent. The difficulty does not occur from any unwillingness on the part of Mr Sims to perform the work, but, as I understand the Matter, from a doubt in the Minds of some, whether the Inferior Court of the County, may not order the labor to be performed by some other person at the expense of Mr Sims. Were Mr Sims dead, & did his representatives refuse to have the work done, then indeed there might be some reason for the opinion, that the Inferior Court might interfere in the matter; but, Can the Inferior Court take Cognizance of the Neglect or default of a Clerk of the Superior Court whilst in office; or is he not exclusively subject to the Order of the Judge of that Court? This is too plain a proposition to require a reply.

But, whatever doubt may be entertained on this Subject, that doubt must arise from a want of knowledge of the Law, for I find by a Sect: of an Act passed 5th Decemr 1813, that "All Sheriffs and Clerks of any of the Courts of this State, shall at

any and all times be subject to the order and rule of said Courts, after they shall have retired from their respective offices, in such cases and in like manner as they would have been had they remained in office." See Primes dig: page 121. — 13 Sect: 111.

It is therefore clear, that the Judges of the Superior Courts, have a right to compell the Clerks of their respective Courts, to bring up the Minutes, and perform every other act of duty required of them by Law whilst in office; and if the Judges have that right, it is equally clear, that they can under the Authority of the Law referred to, compell such as have retired, either with or without their own consent, to perform the same duty which they might have been compelled to perform whilst in office.

The willingness of Mr. Innis to perform the labor of bringing up the back business of the office, to the time he left it, being admitted, it may be asked, where is the Necessity of any Order to compell him to do so? but you will observe, that the object of my application is two fold — 1st to compell Mr. Innis to do, that which he ought to have done while in office, and 2d to Authorise him to enter the office and use the Books for that purpose. indeed the last is the Main object, because however Willing Mr. Innis may be, if the present incumbent has a right to exclude him from the use of the books, he cannot perform that duty, which he might not only voluntarily, but by order of the Court be required, to perform. Candor requires that I should add, that it appears to me personal feeling

Douglas / Amer / Coll Soc 7616 037098

has more influenced in producing the difficulty than any other cause, for surely was that not the case, the reasonableness of Mr Sims being the proper person either voluntarily or by order to perform the duty, could not be doubted.

Permit me then to request that you will grant an order, requiring Mr Sims to perform the duty of bringing up all the recording and other business, which it was his duty to have performed while in office; and also that he shall have all the facilities from the present Clerk necessary to enable him to perform the work.

I do not know what is the present practice in the manner of making applications of this sort at Chambers, but if it can be done without a personal attendance, I request that you will consider this letter as a motion at Chambers, and as containing a concise Statement of facts in support of that motion.

If the present mode I have adopted an incorrect one I hope your Honor [illegible] me when I assure you that I believe it to be not only the correct one, my personal attendance excepted, but the plainest and simplest, and the best calculated to answer the ends proposed, and at the least expense.

I am Dear Sir

Very Respectfully

& with high regard & Esteem

Your very obd Servt

D. B. Mitchell

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The Hon:

William A. Crawford

Judge Superior Court &c

Mount Nebo 19th June 1829.

Dear Sir,

Your letter of the 5th inst., and the order of same date, respecting the Records of the Superior Court of Hancock County have been received. The order has been presented to Mr. Alfriend the present clerk, and time allowed him, at his request, for deliberation, and he has finally declined a compliance for reasons which he has given in writing dated the 13th inst. & which with the original Order, I have now the pleasure to enclose for your perusal & consideration.

After the most deliberate reflection & examination of the subject which I am capable of giving it, I am perfectly satisfied that Mr. Alfriend is wrong, his reasons futile, and not sustainable by any reasonable or legal argument, & has clearly subjected himself to an attachment for contempt; and was I not moved by other considerations than those arising from my conviction of the impropriety of his conduct, I would now move your honor for an attachment against him. But before I proceed any farther in this business, I have resolved to lay the matter before you, and according to the view you may have of the Case, I will

either immediately proceed, or postpone proceeding, as you may deem either way most advisable.

My professional duty and the conviction I am under of the Necessity of making subordinate officers respect the Orders of those appointed to control their official duties, would prompt me to an immediate proceeding in this case; but at the same time I am aware of the inconvenience and difficulty of proceeding in Cases of this nature at Chambers, considering the distance between your place of residence and that of the officer who is the Object of the proceeding.

I leave it entirely to yourself to point out the Course which will be most agreeable to you, and I will pursue it. If you think it will be best to proceed immediately, I will thank you to consider this as a motion on my part, that the reasons assigned by the present Clerk are insufficient and do not justify his disobedience of the Order of your honor, and are therefore over-ruled: And that an Attachment do forthwith issue against the said Abram A Friend the present Clerk of the Superior Court of Hancock County for Such his disobedience. If on the other hand, you should be of opinion, that it will

Ruggles / Ayer / 1 of 1 Box 2016 8.1045

be best to postpone the matter until the regular
term of the Court, I will Notify Alfriend, that I will
apply to your Honor on the first day of the term, or
as soon thereafter as counsel can be heard for an
attachment against him for his Contempt in Not
obeying your Order of the 5th Inst. In Short,
whatever Course you may point out as most
convenient to yourself, I will pursue.

I am Dear Sir

with great regard & Esteem

your very obd. Servt.

D. W. Mitchell

The Honb: W. H. Crawford

Judge S. C. N. C.

THE NEWBERRY LIBRARY CHICAGO

P.S.

I shall save a good Number of my best Peach Seed
for you, & will take it as a favor if you will do the like
for me; and if you have any Nectarines or Apricots, a
few of both or either would be very acceptable. we have
a prospect of fine fruit the present season.

D. W. M.

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